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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,621	05/23/2000	Ryuji Ishiguro	SONY-T0608	2720

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EXAMINER
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LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/576,621

Applicant(s)

ISHIGURO ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The preliminary amendment filed 23 May 2000 is noted and made of record.
2. Claims 1 through 5 are presented for examination.

#### *Drawings*

3. The drawings were received on 06 October 2000. These drawings are accepted by the Examiner.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 through 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant fails to particularly point out the definition of management information and calculation information. The Examiner first would like to point out that where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term, see MPEP § 608.01(o). *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The Applicant also fails to meet the requirements of redefining a term as set forth in the MPEP § 2106. In order to define/redefine a term, the Applicant must do so “with reasonable clarity, deliberateness, and precision” and must “set out his uncommon definition in some

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manner within the patent disclosure' so as to give one of ordinary skill in the art notice of the change" in meaning.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 through 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,883,957 to Moline et al., hereinafter Moline, in view of U.S. Patent No. 5,987,123 to Scott et al., hereinafter Scott.

8. As per claims 1, 4, and 5, Moline teaches an information processing apparatus comprising:

storage means for storing content data encrypted with an encryption key (Figures 3 [block 109], 4 [block 419], 5 [block 613], 12 [block 1209], 13 [blocks 1313, 1319]; column 3, lines 55-65; column 18, lines 61-67; column 19, lines 40-52);

holding means for holding management information associated with said content data stored in said storage means (Figures 1 [blocks 104, 105(i)], 3 [block 307], 5 [block 105], 15 [block 1507]; column 2, lines 44-57; column 8, lines 53-60; column 21, lines 2-13);

calculation means for performing a predetermined calculation on the basis of said encryption key and calculation information included in said management information, said calculation information including update information which is updated with predetermined timing (Figure 15 [blocks 1501, 1507, 1509]; column 20, line 59 to column 21, line 13);

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memory means for storing the result of the calculation performed by said calculation means (column 21, lines 57-67). Wherein the management information is drawn to the information drawn to the header, such as source information, the number of tracks, and time stamp. For more data on the contents of the header, please refer to the MIDI Specification. Moline further discloses a buffer, which would serve as the memory means for holding the result of the calculation performed.

9. Moline does not teach control means for comparing the result of the calculation performed by said calculation means with a previous calculation result stored in said memory means and controlling use of said content data stored in said storage means in accordance with the result of the comparison.

10. Scott teaches control means for comparing the result of the calculation performed by said calculation means with a previous calculation result stored in said memory means and controlling use of said content data stored in said storage means in accordance with the result of the comparison (Figures 4a [block 410], 4b [block 424]; column 4, line 46 to line 63). Scott suggests the need for checking the validity of data, in column 21, in his discussion of maintaining keys, as one of the goals of the invention of Scott is to prevent unauthorized listeners from accessing MIDI files. Therefore, one of ordinary skill in the art at the time the invention was made would appreciate checking the validity of the encrypted file before executing the received file. For more information of checking the validity of an encrypted file before executing please refer to U.S. Patent No. 5,987,123, specifically Figures 4a, block 410, and 4b, block 424, as well as column 4, line 46 to line 63. One would be motivated to perform

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such a check to ensure the file was not intercepted and tampered or corrupted with a virus or some other type of destructive programming.

11. Regarding claim 2, Moline teaches wherein said calculation means performs said calculation by applying a hash function to said calculation information and said encryption key (Figure 15 [blocks 1501, 1507, 1509]; column 20, line 59 to column 21, line 13).

12. Regarding claim 3, Moline teaches wherein:

said content data is music data (column 1, lines 32-52; column 5, lines 47-52);

said calculation information includes identification information identifying said music data (Figure 15 [blocks 1501, 1507, 1509]; column 20, line 59 to column 21, line 13); and

said holding means holds said update information in an area which is not allowed to be read or written for a general purpose (column 21, lines 58-67).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. The following patents are cited to further show the state of the art with respect to encrypting data files, such as:

United States Patent No. 6,347,846 to Nakamura, which is cited to show a method for controlling copying of data between devices.

United States Patent No. 6,367,019 to Ansell et al., which is cited to show of copy security for portable music players.

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United States Patent No. 6,552,254 to Hasegawa et al., which is cited to show a system for supplying contents via a network.

United States Patent No. 6,570,080 to Hasegawa, which is cited to show a system for supplying contents via a network.

United States Patent No. 6,385,596 to Wiser et al., which is cited to show a secure online music distribution system.

United States Patent No. 6,487,663 to Jaisimha et al., which is cited to show a method for regulating the transmission of media data.


United States Patent No. 6,049,612 to Fielder et al., which is cited to show a file encryption system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704. The examiner can normally be reached on Monday thru Thursday 7-5.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian LaForgia  
Patent Examiner  
Art Unit 2131  
clf

  
GREGORY MORSE  
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